



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re Application of Karl ROGERS and Timothy EVARD

Appln. No.: 09/816,306

Group Art Unit: 2611

Filed: March 23, 2001

Examiner:

Title: SYSTEM AND METHOD FOR INTEGRATION OF HIGH QUALITY VIDEO MULTI-CASTING
SERVICE WITH AN INTERACTIVE COMMUNICATION AND INFORMATION ENVIRONMENT
USING INTERNET PROTOCOLS

PETITION UNDER 37 C.F.R. § 1.47(b)

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

FEB 03 2003

OFFICE OF PETITIONS

Dear Sir:

I represented and continue to represent Road Runner, Inc., the Assignee of the above referenced application, as patent counsel, and I am familiar with the prosecution of the above referenced application.

The above-identified application was filed in the U.S. Patent and Trademark Office on March 23, 2001, with an unexecuted Declaration under 37 C.F.R. § 1.63.

As will be explained in more detail below, inventors Karl Rogers and Timothy Evard executed an Assignment, assigning all right, title and interest in and too the application to Road Runner, Inc. ("Road Runner"). The Assignment was recorded in the U.S. Patent and Trademark Office effective September 9, 2000. (See: **Real/Frame: 011113/0766**). Road Runner, in accordance with requirements of 37 C.F.R. § 1.47(b) hereby submits the Declaration required under 37 C.F.R. § 1.63, which I, as Counsel to Road Runner, have executed on behalf of the non-signing inventors.

January 7, 2003

Atty. Docket No.: 2585-009

PERTINENT FACTS

As noted above, the above referenced patent application was filed with missing parts on March 23, 2001. By that time, Road Runner employed neither Inventor Rogers nor Inventor Evard.

Notice to File Missing Parts Of Non-Provisional Application was mailed July 17, 2002. On July 26, 2002 a letter was sent to Counsel for Time Warner Cable (TWC), Road Runner's parent entity, requesting assistance in obtaining the signatures of Inventors Rogers and Evard on a Declaration and Power of Attorney relating to the instant application. No response was received.

On November 25, 2002, a letter was received from TWC's contract administrator, which letter included the last known addresses of Inventors Rogers and Evard. On November 27, 2002, at my direction an email forwarding the specification, the claims, and the Declaration and Power of Attorney was sent to Inventor Evard by Elliott Light, my colleague and a registered patent attorney (Registration Number 51,948). Additionally, a copy of the specification, the claims, and the Declaration and Power of Attorney was sent to Inventor Evard by UPS (with a pre-paid return label) at the address provided by TWC: 268 Governors Drive, Kiawah Island, SC 29455. Subsequently, contact was made with Inventor Evard and another set of documents was sent to him care of his father: Harry Evard, 3316 69th Street, Indianapolis, IN 46220 (again with a pre-paid return label). Similarly, a set of the same documents was sent by to Inventor Rogers by UPS with a pre-paid return label.

On December 13, 2002, again at my direction, Elliott Light spoke with Mark Brown, an attorney who stated that he was calling "on behalf of," but did not represent Inventor Rogers. Mr. Brown requested a copy of the Assignment and Recordation. These documents were faxed

to him on that date. In response to an email request from Inventor Rogers (copy attached), a copy of the Assignment and Recordation were faxed to Inventor Rogers on December 17, 2002.

This was the last communication with either of the inventors.

As these facts make clear, Inventors Rogers and Evard have been given every opportunity to execute a Declaration and Power of Attorney in a timely fashion. The Notice To File Missing Parts of Non-Provisional Application set a two-month period for filing a response. While under the rules, this period may be extended up to five additional months, Applicant must pay for the continued extension of the time to respond to this matter. With no reason to expect the inventors to respond to additional requests for cooperation, the application will soon be deemed abandoned unless this petition is granted.

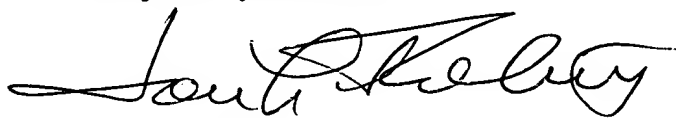
The last known addresses for the inventors are:

Mr. Karl Rogers
620 9th Street
Manhattan Beach, California 90266

Mr. Tim Evard
C/O Harry Evard
3316 69th Street
Indianapolis, IN 46220

In view of this submission, grant of this Petition is respectfully requested.

Respectfully submitted,



Jon L. Roberts
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191
(703) 391-2900


Elliott Light

From: Elliott Light
Sent: Wednesday, November 27, 2002 11:11 AM
To: Tim Evard
Subject: Documents Relating to Patent Application
Importance: High

Mr. Evard:

As you may recall, you are an inventor of record on a patent application entitled "**System and Method for Integration of High Quality Video Multi-Casting Service with an Interactive Communication and Information Environment Using Internet Protocols Disclosure.**" As patent counsel for Road Runner, I am prosecuting this application with the U.S. Patent and Trademark Office. It has come to my attention that a number of documents require your signature. I am forwarding these documents to you today by FedEx to 268 Governors Drive, Kiawah Island, SC, with instructions on completing them and returning them to me. I appreciate your cooperation in this matter.

With business completed, please accept my sincere best wishes to you and your family for a wonderful Thanksgiving.

Elliott D. Light
Roberts, Abokhair and Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191
703.391.2900

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AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS
MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY
DISSEMINATION, DISTRIBUTION, COPYING OR COMMUNICATION OF THIS MESSAGE IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY ME
IMMEDIATELY BY TELEPHONE AND DELETE THE MESSAGE.

1/13/2003



Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191
(703) 391-2900
Fax: (703) 391-2901

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 310-798-7872

To: Karl Rogers
Of:
From: Jon L. Roberts/vjm
Client/Matter: Road Runner Document
Date: 12/17/02

Handwritten: 12/17/02
Stamp: FAXED

DOCUMENTS	**NUMBER OF PAGES**
Assignment with Recordation	5

COMMENTS:

Karl,

Pursuant to your request, I have attached the Assignment document with recordation from the Patent and Trademark office.

If you have any further questions please feel free to contact me.

Sincerely,
Elliott D. Light

CONFIDENTIALITY NOTICE: This facsimile Cover Sheet and any documentation which may accompany it, contain information from the law firm of Roberts Abokhair & Mardula and is intended for the individual to whom it is addressed and may contain information that is privileged, confidential and or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended party, recipient or employee or agent responsible for delivering the message to the intended party, any disclosure, dissemination, distribution, copying or other communication of its substance is prohibited. If you have received this communication in error, please call us collect to arrange the destruction of this communication or its return at our expense. Thank you.

* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (703) 391-2900.



July 26, 2002

Andrew T. Block, Esq.
Assistant General Counsel
Time Warner Cable
290 Harbor Drive
Stamford, CT 06902

RE: *System and Method for Integration of High Quality Video Multi-Casting Service with an Interactive Communication and Information Environment Using Internet Protocols*
Serial No.: 09/816,306
Your Ref: TWC-RR-009
Our Ref: 2585-009

Dear Andy:

Enclosed please find a copy of the utility application Filing Receipt and a Notice to File Missing Parts. We forwarded the Declaration and Power of Attorney documents for the signatures of Mr. Karl Rogers and Mr. Timothy Evard to Raj Kumar as we did last time.

We will need to file the documents **no later than September 16, 2002** so that they are received at the Patent and Trademark Office in a timely manner.

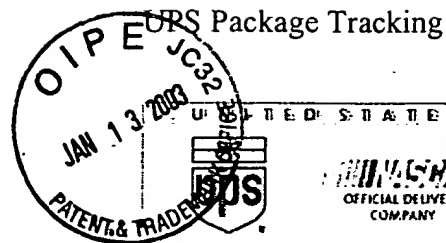
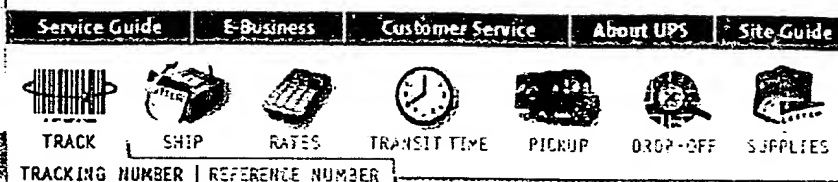
If you have any questions please do not hesitate to contact me.

Very truly yours,

Jon L. Roberts

JLR/vjm

CC: R. Kumar (enclosures)


[VIEW MY UPS.COM](#)


Tracking Summary

To see a detailed report for each package, please select the Detail button.

Tired of Re-Typing Tracking Numbers?



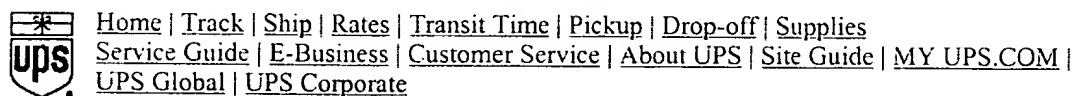
Select this button to save Tracking Numbers of undelivered packages.

TRACKING NUMBER	STATUS		
1. 1Z R77 A72 01 9912 341 9	Delivered	Delivered on:	Nov 29, 2002 11:40 A.M.
DETAIL		Delivered to:	MANHATTAN BEACH, CA, US
		Signed by:	ROGERS C
		Service Type:	NEXT DAY AIR
2. 1Z R77 A72 01 9840 039 9	Delivered	Delivered on:	Nov 29, 2002 11:10 A.M.
DETAIL		Delivered to:	KIAWAH ISLAND, SC, US
		Service Type:	NEXT DAY AIR

Tracking results provided by UPS: Dec 3, 2002 12:21 P.M. Eastern Time (USA)

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[Trademark and Tariff Information](#)



Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191
(703) 391-2900
Fax: (703) 391-2901

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 913-339-6061 (2585)

To: Mark Brown, Esq.
Of:
From: Elliott D. Light/vjm
Client/Matter: Karl Rogers
Application no: 09/816,306
Date: 12/13/02

FAX
12/13/02
DCL

DOCUMENTS	**NUMBER OF PAGES**
Assignment with Recordation	5

COMMENTS:

Dear Mr. Brown:

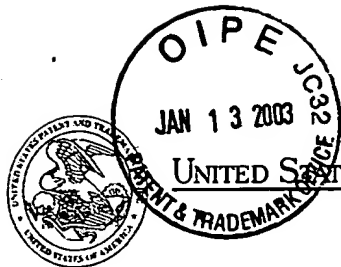
Thank you for speaking with me this afternoon regarding Mr. Rogers, and the above referenced patent application. As discussed, please find the attached executed assignment document and Recordation from the Patent and Trademark Office.

Please contact me in the near future to discuss this matter further.

Sincerely,
Elliott D. Light/vjm

CONFIDENTIALITY NOTICE: This facsimile Cover Sheet and any documentation which may accompany it, contain information from the law firm of Roberts Abokhair & Mardula and is intended for the individual to whom it is addressed and may contain information that is privileged, confidential and or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended party, recipient or employee or agent responsible for delivering the message to the intended party, any disclosure, dissemination, distribution, copying or other communication of its substance is prohibited. If you have received this communication in error, please call us collect to arrange the destruction of this communication or its return at our expense. Thank you.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,306	03/23/2001	Karl Rogers	2585-009

CONFIRMATION NO. 8472

Roberts Abokhair & Mardula, LLC
Suite 1000
11800 Sunrise Valley Drive
Reston, VA 20191-5302

FORMALITIES LETTER



OC000000008464915

Date Mailed: 07/17/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/17/2002 LUONDIM 00000018 09816306

01 FD:1051

130.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*

Thach Vo

Customer Service Center
Initial Patent Examination Division (703) 308-1202



#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Karl Rogers & Tim Evard

Serial No.: 09/816,306

Group Art Unit:

Filed: 03/23/01

Examiner:

For: **System and Method for Integration of High Quality Video Multi-Casting Service with an Interactive Communication and Information Environment Using Internet Protocols Disclosure**

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, joint and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled *System and Method for Integration of High Quality Video Multi-Casting Service with an Interactive Communication and Information Environment Using Internet Protocols Disclosure*, the specification of which was filed on 03/23/2001, given serial no. 09/816,306

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jon L. Roberts
Registration No. 31,293
John K. Abokhair, Esq.
Registration No. 30,537
Kevin L. Pontius
Registration No. 37,512
Christopher B. Kilner
Registration No. 45,381
Tim W. Graves
Registration No. 45,940
Janeen C. Vilven
Registration No. 47,156
Roberts Abokhair & Mardula, L.L.C.
11800 Sunrise Valley Drive
Suite 1000
Reston, Virginia 20191-5302
(703) 391-2900

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor Karl Rogers

Inventor's Signature _____ Date _____

Residence Potomac, MD

Post Office Address: 8208 Hackamore Drive, Potomac, MD 20854

Full name of inventor Tim Evard

Inventor's Signature _____ Date _____

Residence Sterling, VA

Post Office Address: 20259 Watermark Place, Sterling, VA 20165



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

NOVEMBER 20, 2000

PTAS

ROBERTS ABOKHAIR & MARDULA, LLC
JON L. ROBERTS, ESQ.
11800 SUNRISE VALLEY DRIVE, SUITE 1000
RESTON, VIRGINIA 20191



101474882A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/19/2000

REEL/FRAME: 011113/0766
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ROGERS, KARL

DOC DATE: 03/29/2000

ASSIGNOR:

EVARD, TIM

DOC DATE: 03/29/2000

ASSIGNEE:

ROAD RUNNER, INC.
13241 WOODLAND PARK ROAD
HERNDON, VIRGINIA 20171

SERIAL NUMBER: 60192250
PATENT NUMBER:

FILING DATE: 03/25/2000
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

1-31-92

CORD

P.

09-29-2000

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

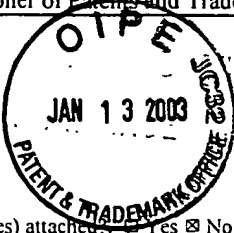


101474882

To the Honorable Commissioner of Patents and Trademarks, please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Karl Rogers & Tim Evard

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Road Runner, Inc.

Internal Address: _____

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other _____

Execution Date: _____

Street Address: 13241 Woodland Park RoadCity: Herndon State: VA ZIP: 20171Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

60/192,250

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jon L. Roberts, Esq.

Internal Address: _____

Street Address: Roberts Abokhair & Mardula, LLC11800 Sunrise Valley Drive, Suite 1000City: Reston State: VA ZIP: 201916. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):..... \$ 40.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

18/1579

(Attach duplicate copy of this page if paying by deposit account)

09/28/2000 MTHA11 00000245 60192250

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01 FC-581

40.00 OP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jon L. Roberts, Esq.

Name of Person Signing

Signature

Date

9/19/00

Total number of pages including cover sheet: 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Karl Rogers & Tim Evard

Serial No.: 60/192,250

Group Art Unit:

Filed: 03/25/00

Examiner:

For: **System and Method for Integration of High Quality Video Multi-Casting Service with an Interactive Communication and Information Environment Using Internet Protocols Disclosure**

* * * * *

ASSIGNMENT Pursuant to 37 CFR § 3.56

* * * * *

I, Karl Rogers, residing at 8208 Hackamore Drive, Potomac, MD, 20854, and I, Tim Evard, residing at 20259 Watermark Place, Sterling, VA, 20165, for good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby sell, assign and transfer unto Road Runner, Inc. a limited liability corporation organized under the laws of the State of **Delaware** and having its principal office at 13241 Woodland Park Road, Herndon, VA 20171 (hereinafter "ASSIGNEE,"), the entire right, title and interest, together with all rights of priority, in and to my invention for a **System and Method for Integration of High Quality Video Multi-Casting Service with an Interactive Communication and Information Environment Using Internet Protocols Disclosure** as described and/or claimed in my application for Letters Patent of the United States of America, Serial No. **60/192,250** filed **3/25/00** as well as all foreign counterparts thereof together with all Letters Patent issuing on the aforesaid application for Letters Patent, the same to be held and enjoyed by ASSIGNEE, its successors, assigns or other legal representatives, to the full ends of the terms of all said Letters Patent therefore which may be granted.

I HEREBY AUTHORIZE ASSIGNEE to make application for and to receive Letters Patent for said invention in any foreign countries in its own name, or in my name, at its election.

AND I HEREBY COVENANT AND AGREE that I will execute or procure any further necessary assurance of title to said invention and any Letters Patent which may issue therefor and that I will, at any time, upon the request and at the expense of ASSIGNEE deliver any testimony in any legal proceedings and execute all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefor in ASSIGNEE, its successors, assigns, or other legal representatives, and that I will, at any time, upon the request and at the expense of the ASSIGNEE execute any continuations, divisions, reissues, or any other additional applications for Letters Patent for said invention or any part or parts thereof, all of which applications and any Letters Patent issuing thereof are hereby assigned to ASSIGNEE, and will make all rightful oaths, and do all lawful acts requisite for procuring the same therein, without further compensation, but at the expense of ASSIGNEE, its successors, assigns or other legal representatives.

AND I HEREBY AUTHORIZE AND REQUEST the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States for said invention, resulting from any of the aforesaid application to assignee.

WITNESS MY HAND and seal this 29th of March, ~~1999~~ ²⁰⁰⁰



STATE OF Virginia

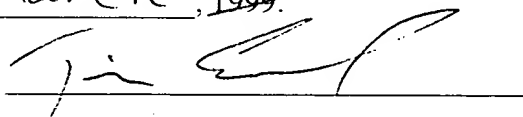
COUNTY OF Fairfax

On this 29th day of March personally appeared before me Karl Rogers to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Angela D. Clevenger
Notary Public

My commission expires: September 30, 2003

WITNESS MY HAND and seal this 29th of March, ~~1999~~ ²⁰⁰⁰



STATE OF Virginia

COUNTY OF Fairfax

On this 29th day of March personally appeared before me Tim Edward to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Angela D. Clevenger
Notary Public

My commission expires: September 30, 2003



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DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Jon L. Roberts, a registered patent attorney (No. 31,293) declare as follows:

I represented and continue to represent Road Runner, Inc., the Assignee of the above referenced application, as patent counsel, and I am familiar with the prosecution of the above referenced application.

The above-identified application was filed in the U.S. Patent and Trademark Office on March 23, 2001, with an unexecuted Declaration under 37 C.F.R. § 1.63.

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required under 37 C.F.R. § 1.63, which I, as Counsel to Road Runner, have executed on behalf of the non-signing inventors.

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was sent by to Inventor Rogers by UPS with a pre-paid return label. A copy of the delivery receipts for the UPS correspondence is attached.

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The last known addresses for the inventors are:

Mr. Karl Rogers
620 9th Street
Manhattan Beach, California 90266

Mr. Tim Evard
C/O Harry Evard
3316 69th Street
Indianapolis, IN 46220

Applicant Road Runner hereby submits (1) A Declaration under 37 C.F.R. § 1.63 signed on its behalf by Counsel Jon Roberts pursuant to 37 C.F.R. § 1.47(b), (2) copies of the recorded assignments of inventors Rogers and Evard, (3) the supporting materials identified above as attached hereto, and (4) the fee specified in 37 C.F.R. § 2.6.

In view of this submission, grant of this Petition is respectfully requested.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

1/13/03

By:



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